

THEATRE TICKET SPECULATOR WAR NOT YET ENDED

Theatrical Managers Insist That Bingham's Authority Is Sufficient.

MUST STOP NUISANCE.

Defects in License Ordinance Still Leave Police Ample Authority.

Although wide publicity and long deferred action was taken following three public hearings, Mayor McClellan was permitted to sign the ineffective repeal of the theatrical ticket speculators' license ordinance, and he feels that he has been placed in a most embarrassing position by the Corporation Counsel's opinion that the ordinance may go on without legal restriction.

None of the staff in the Corporation Counsel's office, who are counsel to the Mayor, informed him that the ordinance was about to sign, and which had been passed by the Board of Aldermen, would prove a worthless document.

From the start of the agitation against sidewalk ticket speculators the matter was considered in the hands of the city's law department. Before committing himself to the ordinance the Mayor held a public hearing, which was largely attended and at which both sides were heard. At such hearings the Corporation Counsel is supposed to be represented by one of his aides.

Pendleton Advised Board.

On Dec. 1 the Board of Aldermen repealed the existing ticket speculators' license ordinance, and the report of the action of the board was filed as a matter of course, in the office of the Corporation Counsel. Primarily Corporation Counsel Pendleton had communicated with the board, advising as to the character of ordinance which should be adopted, but made no suggestion that after repealing the existing ordinance another should be adopted.

Until a few hours before midnight last night, when the repealing ordinance went into effect, the office of the Corporation Counsel did not raise a warning cry. Then Police Commissioner Bingham was hastily notified not to wake war on sidewalk ticket speculators because the ordinance which the Mayor had been permitted to sign was ineffective from a legal standpoint.

Mayor McClellan was not pleased when he was apprised to-day of the unexpected turn of affairs.

The Mayor was indignant when seen by a reporter for The Evening World, but refrained from making any statement for publication. It developed that not only had the Mayor been allowed to sign a faulty ordinance, but at no time since has he been apprised that the ordinance was useless. He has not yet received a copy of the Connolly opinion, and the only information he has received regarding it is from the newspapers.

The Mayor will probably demand a report from the Corporation Counsel.

First Assistant Corporation Counsel George L. Sterling, who transmitted the notice to Commissioner Bingham, did not write the opinion. It was written by Assistant Corporation Counsel Theodore Connolly. In the absence of Corporation Counsel Pendleton, the opinion remained on Mr. Sterling's desk for a few days, and was then forwarded. Mr. Sterling had since Dec. 1 to write the opinion, but the "ineffective" ordinance was not considered until long after the Mayor's signature was appended.

Can't Place Blame.

"I don't know who, if any one, is to blame," said Mr. Sterling to-day. "The matter came to my attention in the regular course of affairs and I accordingly notified the Commissioner. I don't want to get into trouble with the Mayor over this matter, nor does anybody else. Mr. Connolly's opinion is conclusive and no action can be taken toward regulating ticket speculators until another ordinance is passed."

"The Board of Aldermen repealed the existing ordinance, but failed to supply a new one in its place," said Mr. Sterling. "The Corporation Counsel, Pendleton, was not at his office to-day, and Mr. Connolly said that when the matter was decided to him he printed attention. In his opinion, Mr. Connolly declares that, in repealing the existing ordinance, the Board of Aldermen neglected to adopt one applying to the situation. Under that condition, he says, the void, from the business of sidewalk ticket speculators from any obligation to pay fees, and does not interfere with the business as now conducted."

Mr. Connolly says he called the City Clerk before him and the latter stated that no qualifying ordinance had been adopted to take the place of the one repealed.

Mayor McClellan will insist upon the repealing of the ticket ordinance and its adoption, that the ticket speculation business be perpetually terminated.

Bingham Still Has Authority.

Marc Klaw, of Klaw & Erlanger, in commenting upon the action of Assistant Corporation Counsel Sterling, said to-day:

"Mr. Sterling has made himself the speculator of the ticket ordinance. Why did he not allow them to proceed and test the law in the regular way?"

"Before the ordinance was repealed Gen. Bingham complained that he could not disperse the aggressive speculators, because they were licensed. Now the license has been denied to them and the police can disperse them. He has all the authority he needs."

"Klaw & Erlanger will see that they are disposed of if the police refuse to do so. Maybe, the police will then have occasion to step in."

TO EULOGIZE DUNWELL.

WASHINGTON, Jan. 15.—By unanimous vote the House of Representatives to-day set apart Sunday, Jan. 24, as a day for the holding of memorial exercises on the life and character of the late Representative Charles T. Dunwell, of New York.

Do Any of These Pretty Girls Win Your Votes In The Evening World's Prize Beauty Contest



TAX FLUTATION NEW CHARGE BY MRS. BATONYI

Names Several Women in Amended Suit for Divorce From Famous Whip.

When ex-Judge W. M. K. Olcott, counsel for Mrs. Work Burke-Roche Batonyi, and Morris Cukor, counsel for Aurel Batonyi, the famous whip, tried to settle the terms on which her suit for absolute divorce and his counter suit for a separation, should go to trial before a jury in Justice Traux's part of the Supreme Court next month, Justice Erlanger was startled by the revelations.

Mrs. Batonyi made sixteen charges against her husband in her original complaint, but when the case was called for trial last month before Justice Platzek, she had just discovered new stories about Batonyi and his women friends, and instead of amending the old complaint, she had her lawyers withdraw it and begin all over again.

Ex-Judge Olcott said to-day that there were sixteen charges, and it developed that Mrs. Batonyi accused her husband of intimacy with Nellie Shakespeare. She also charges that Batonyi, dressed in a tuxedo on several occasions, and she names Ethel Lee, or Leitch, and Margaret Allan as chambers with whom Mr. Batonyi lingered in the prime path of dalliance. The other twelve charges are not so specific.

Against this complaint Batonyi specifically denies all his wife's charges and brings a countersuit in which he demands a decree of separation from Frank Work's status quo daughter, making twenty charges of cruelty and desertion.

Morris Cukor, counsel for Batonyi, wanted to eliminate all of the charges in Mrs. Batonyi's complaint except those naming the four young women, but ex-Judge Olcott insisted that all of her charges be submitted to the jury. Mr. Cukor then demanded a bill of particulars.

Justice Erlanger reserved decision.

U. S. CITIZEN TO SUE RUSSIA FOR \$75,000

Fischer Who Spent a Year in Jail on False Charge Arrives Here on a Liner.

A suit for \$75,000 damages will be begun against the Russian Government by Adolph Fischer, a naturalized American citizen, who was thrown into a Russian prison on a false charge of murder more than a year ago and confined in jail twelve months.

Fischer, who was released from prison through the intervention of the United States Ambassador in Russia, arrived here yesterday on the Baltic, of the Russian East Asiatic line. He started for his home at No. 120 Jefferson avenue, Chicago, to-day, and before leaving announced that he had arranged to bring suit for \$75,000 damages against the Russian Government.

The man was visiting a small town in Russia when it was reported in the district that an American had committed a murder. As he was the only American that could be found, he was arrested, his friends and relatives pulled wires for a year before they obtained his release.

Coupon to Record Your Choice Will Be Found on Page 2 of This Issue.

Notes for the candidates for places in Charles Frohman's American Beauty Chorus, which will be seen first in his production of "The Dollar Princess," have commenced to come in already. This advance influx of coupons will be carefully saved for the final count. The voting coupon, which is printed on page 2, will be kept there until Feb. 13, so that all Evening World readers may have a full opportunity of casting their votes. Coupons must be sent to "American Beauty Chorus Editor, Evening World, P. O. Box 134, New York City."

The contest will be kept open a few days after Feb. 13, when the last voting coupon will be printed, to give readers a chance to get their votes in. Each coupon should be made out in full. The Evening World readers are asked to adhere to this rule, as confusion will arise otherwise.

Another group of pictures of eight pretty candidates is printed to-day, making a total of sixty-seven beauties who have already presented their claims to the voters.

Mr. Frohman will accept as winners the twelve girls who receive the most votes in this contest and start them in their theatrical careers in "The Dollar Princess." They will receive salaries of \$5 a week each.

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ROJESTVENSKY IS MOURNED BY CZAR

Royal Condolence to General's Widow and Full Military Honors at Funeral.

ST. PETERSBURG, Jan. 15.—Vice-Admiral Rojestvensky, who died in this city yesterday, will be given a funeral with full military honors to-morrow. The interment will be in the Alexander-Novskiy Monastery, the Russian Pantheon, where rest many of the famous soldiers, authors and musicians of the empire.

The Admiral's widow to-day received personal telegrams of condolence from the Emperor and the Empress, who expressed their appreciation of her husband's meritorious services, as well as many messages of sympathy from high naval and military officials.

The death of the Admiral was not unexpected. He had welcomed the new year in his family circle with a number of friends and old comrades. After receiving the congratulations of his guests the Admiral suddenly collapsed and sank to the floor. The end came at once and was painless.

The obituary notices published to-day are sympathetic. They attribute the blame for the loss of the Battle of the Sea of Japan to the ships and not to the commander, and they praise the Admiral's conduct during his trial by court-martial in that he desired to assume entire responsibility for the catastrophe.

REFUSES OFFER OF FRANCE.

Austria Does Not Want Her as Mediator in Serbian-Serbian.

PARIS, Jan. 15.—A special despatch received here from Vienna says that Austria-Hungary has decided not to accept the offer made by France to mediate in the matter of that country's difficulties with Serbia. As already announced, Austria-Hungary is ready to grant Serbia an outlet for a railroad to the Adriatic.

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The Government understands that they acted on behalf of Yuan Shi Kai. It is understood that the Austro-Hungarian Minister supports Mr. Rockhill and Sir J. N. Jordan, while the representatives of the other powers hold that their course constitutes unwarranted interference in the internal affairs of China.

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The Regent today received Mr. Bapst, the departing French Minister, in accordance with these rules. The diplomats, however, are deliberating the suggestions and it is not likely that the British and American Ministers will signify their acceptance before the Regent gives his reasons for the dismissal of Yuan Shi Kai, together with assurances for the future. The Foreign Board asked for an answer, and the proposed regulations in forty-eight hours.

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Judge Ward's ruling is in accordance with a decision in the case of Hudson versus Parker, in which Justice Horace Gray, of the United States Supreme Court, who wrote the opinion, said: "The statutes of the United States have been framed upon the theory that a person accused of crime shall not, until he has finally been adjudged guilty in the court of last resort, be absolutely compelled to undergo imprisonment or punishment, but may be admitted to bail not only after arrest and before trial, but after conviction and pending a writ of error."

Commenting on Judge Gray's findings, Judge Ward says:

"It may be that this language was obiter, but it was not disproved by his brethren, the view of those who dissent being entirely consistent with it. Judge Gray was speaking of a defendant who had been actually convicted, and it is not necessary for me to go so far in granting the request of the petitioners as I feel I should do, they being merely charged with crime."

"If this practice causes prejudicial delay in criminal prosecutions, it results from the provisions of Section 104, United States Revised Statutes, and relief should be sought, not from the courts, but from Congress, as appropriate remedy, a widow, sitting in Bonaparte have suggested in their annual reports, 1905-1907."

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"Don't you think that is a matter for the Board of Estimate to decide?" asked the Mayor.

"Yes," replied Mr. Robinson. "But don't you think the people who will have to pay the bills are entitled to some consideration?"

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President Ahearn moved that the matter be laid over for two weeks and President McGowan moved that the question be amended to an adjournment for two years. The amendment was lost and the original motion carried.

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THREE OF A KIND

Dropped Coffee, Picked Up Postum, and Health.

The harmful action of caffeine—the drug in coffee and tea—is the same in all cases; it is only a matter of degree.

One person may suffer more in the way of heart palpitation, sour stomach, nervousness, or insomnia, than another, but the poison is there all the time, if one continues to drink coffee or tea.

A Penn. lady and two friends learned the truth about coffee in the same way. The lady writes:

"About four years ago I had an attack of nervous prostration and a great deal of trouble with my heart. Sometimes I was dying, and my doctor seemed unable to find out the cause of my trouble."

"I would frequently wake at night with these attacks, and the doctor said there was some constant irritation of the nerves, and he began to think some organic disease was at work."

"One day I was told of a case very similar to mine, and that the woman could find no relief until she stopped using coffee. I did not like the idea of giving up coffee, for I was very fond of it."

"Having read frequently of Postum, I determined to try it. It certainly made a great change in me. Those spells left me entirely."

"My most intimate friend was afflicted as I was. In fact, the similarity of our afflictions drew us together in the first place. When she saw the great change Postum had made in me she tried it and was benefited as I was."

"The beneficial effects of Postum on us two induced a neighbor to follow our example and so we are three of a kind who can't say enough in praise of Postum."

Name given by Postum Co., Battle Creek, Mich. Read "The Road to Wellville," in pkgs. "There's a Reason."

Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest.

POLICEMAN'S MOTHER ENDS LIFE BY GAS.

When Policeman William Laubensheimer, of the Hamburg avenue station in Brooklyn, returned last night to his home, No. 118 Seventh street, this city, he found his mother, Kate, sixty-four, a widow, sitting in the kitchen dead with a gas tube in her mouth. He told the coroner she had suffered for years with a cancer in the

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Skirts Sacrificed

\$6, \$7 & \$8 Skirts \$2.95

Now Reduced to

Saturday's Bargains

Many of our choicest high-priced models are included in this phenomenal sale.

\$8 Broadcloth Skirts

\$7 Panama Skirts

\$6 Mixture Skirts

A graceful and positive style correctness makes these skirts of special interest to the women of fashion—some satin trimmed—others self trimmed. Choice without reserve, \$2.95.

No Alterations.

SALE AT ALL THREE STORES

Bedell

14-16 West 14th Street NEW YORK

460 & 462 Fulton Street BROOKLYN

645 & 651 Broad Street NEWARK

3 LARGE STORES, NEWARK

Philipsborn

THE OUTER GARMENT SHOP

12 West 23d Street

The Greatest Purchase of the Season

\$40 to \$60 Tailored Suits

All Sizes 18.75 for Women and Misses

THE LOT CONTAINS 200 SUITS

Finest Broadcloths, High grade Cheviots, Superior quality Chevron, Best quality Velvet and Corduroy.

TWELVE MODELS, INCLUDING:

Directoire, Hipless effects, Long coat effects, Empire, Danton.

All modish colors. Coats lined with best satins. On sale to-morrow at 18.75

None worth less than \$40; some as high as \$60

Hackett, Carhart & Co

Boys' & Children's Dept.—Broadway at 13th St.

IMPORTANT SALE—BOYS' SUITS & OVERCOATS

At Great Reductions

Russian, Reefer, Tourist and Box Back Overcoats

Sizes 2 1/2 to 17 Years

Now \$5.00 & \$7.50

Reduced from \$15.00, \$12.75, \$10.75 and \$8.75

Advance Sale—\$3.75 & \$4.50 Wash Suits at \$1.90

Sailor & Russian models, made of pure linens, poplins, madras & fine chambrays.

\$7.50 Sailor & Russian Suits now \$3.75

Arnold, Constable & Co

SATURDAY, JANUARY 16TH.

ATTRACTIVE OFFERING OF Women's Broadcloth Coats.

Superior grades from our regular stock

TO CLOSE \$18.50.

ALSO

Evening, Steamer and Motor Coats

At Greatly Reduced Prices.

TO CLOSE THE SEASON'S STOCK.

Broadway & 19th Street

It makes little difference what you need—a World "Want" will go and get it.